

By: Schofield

H.B. No. 2927

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain powers of an associate judge under the Family
3 Code.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 201.007, Family Code, is amended by
6 amending Subsections (a) and (c) and adding Subsection (e) to read
7 as follows:

8 (a) Except as limited by an order of referral, an associate
9 judge may:

- 10 (1) conduct a hearing;
- 11 (2) hear evidence;
- 12 (3) compel production of relevant evidence;
- 13 (4) rule on the admissibility of evidence;
- 14 (5) issue a summons for:
 - 15 (A) the appearance of witnesses; and
 - 16 (B) the appearance of a parent who has failed to
17 appear before an agency authorized to conduct an investigation of
18 an allegation of abuse or neglect of a child after receiving proper
19 notice;
- 20 (6) examine a witness;
- 21 (7) swear a witness for a hearing;
- 22 (8) make findings of fact on evidence;
- 23 (9) formulate conclusions of law;
- 24 (10) recommend an order to be rendered in a case;

1 (11) regulate all proceedings in a hearing before the
2 associate judge;

3 (12) order the attachment of a witness or party who
4 fails to obey a subpoena;

5 (13) order the detention of a witness or party found
6 guilty of contempt, pending approval by the referring court as
7 provided by Section 201.013;

8 (14) without prejudice to the right to a de novo
9 hearing before the referring court [~~of appeal~~] under Section
10 201.015 and subject to Subsection (c), render and sign:

11 (A) a final order agreed to in writing as to both
12 form and substance by all parties;

13 (B) a final default order;

14 (C) a temporary order; or

15 (D) a final order in a case in which a party files
16 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
17 Civil Procedure, that waives notice to the party of the final
18 hearing or waives the party's appearance at the final hearing;

19 (15) take action as necessary and proper for the
20 efficient performance of the associate judge's duties; and

21 (16) render and sign a final order if the parties waive
22 [~~that includes a waiver of~~] the right to a de novo hearing before
23 the referring court under [~~of appeal pursuant to~~] Section 201.015
24 in writing before the start of a hearing conducted by the associate
25 judge.

26 (c) A final order described by Subsection (a)(14) becomes
27 final after the expiration of the period described by Section

1 201.015(a) if a party does not request a de novo hearing in
2 accordance with that section. An order described by Subsection
3 (a)(14) or (16) that is rendered and signed by an associate judge
4 constitutes an order of the referring court.

5 (e) An order signed before May 1, 2017, by an associate
6 judge under Subsection (a)(16) is a final order rendered as of the
7 date the order was signed.

8 SECTION 2. Section 201.013(b), Family Code, is amended to
9 read as follows:

10 (b) Except as provided by Section 201.007(c), if a request
11 for a de novo hearing before the referring court is not timely filed
12 [~~or the right to a de novo hearing before the referring court is~~
13 ~~waived~~], the proposed order or judgment of the associate judge
14 becomes the order or judgment of the referring court only on the
15 referring court's signing the proposed order or judgment.

16 SECTION 3. Section 201.014(a), Family Code, is amended to
17 read as follows:

18 (a) Except as otherwise provided in this subchapter, unless
19 [~~Unless~~] a party files a written request for a de novo hearing
20 before the referring court, the referring court may:

21 (1) adopt, modify, or reject the associate judge's
22 proposed order or judgment;

23 (2) hear further evidence; or

24 (3) recommit the matter to the associate judge for
25 further proceedings.

26 SECTION 4. Section 201.016(c), Family Code, is amended to
27 read as follows:

1 (c) The date an agreed order, ~~[or]~~ a default order, or a
2 final order described by Section 201.007(a)(16) is signed by an
3 associate judge is the controlling date for the purpose of an appeal
4 to, or a request for other relief relating to the order from, a
5 court of appeals or the supreme court.

6 SECTION 5. (a) The change in law made by this Act to Section
7 201.007(a), Family Code, applies only to a final order signed by an
8 associate judge on or after the effective date of this Act.

9 (b) Notwithstanding Subsection (a) of this section, Section
10 201.007(e), Family Code, as added by this Act, applies to an order
11 signed by an associate judge under Section 201.007(a)(16), Family
12 Code, before May 1, 2017. The legislature ratifies such an order.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2017.